

ORDINANCE NO. 1893

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AMENDING THE MILWAUKIE MUNICIPAL CODE BY ADOPTING CERTAIN TEXT AMENDMENTS RELATED TO IMPLEMENTING THE CITY TRANSPORTATION SYSTEM PLAN.

(Milwaukie Planning Department Application ZA-01-02)

WHEREAS, on July 15, 1997, the City Council revised the City Comprehensive Plan by adoption of the Milwaukie Transportation System Plan, and

WHEREAS, the Milwaukie Transportation System Plan specifies policies for the safe, convenient, and orderly development of city street, pedestrian, and bicycle networks and improvements, and

WHEREAS, the Oregon Revised Statutes require municipalities to enact land use regulations to enact their comprehensive plans, and

WHEREAS, the City received a state grant to develop regulations to implement the Transportation System Plan, and

WHEREAS, on August 14, 2001, after a public information and involvement process, the Planning Commission held a public hearing on the proposed revisions to the Comprehensive Plan and Zoning and Subdivision Ordinances and adopted a motion recommending the City Council approve the proposed amendments, and

WHEREAS, all required referrals and public notices of public hearings on the proposed amendments have been made in accordance with applicable law, and

WHEREAS, the Milwaukie City Council held a public hearing on September 18, 2001,

NOW, THEREFORE, THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 1. The proposed amendments to Milwaukie Municipal Code Chapter 12.08 as described in Exhibit 1 are found to be in the public interest and are hereby adopted and incorporated.

Section 2. Findings of fact in support of these amendments contained in Exhibit 4 are hereby adopted and incorporated.

- a. The proposed amendments to the Zoning Ordinance contained in Exhibit 2 are consistent with Milwaukie Zoning

Ordinance Section 19.905-Approval criteria for All Amendments as shown in Exhibit 4.

- b. The proposed amendments to the Subdivision Ordinance contained in Exhibit 3 are consistent with Milwaukie Zoning Ordinance Section 19.905-Approval Criteria for All Amendments as shown in Exhibit 4.

Section 3. The following sections of Milwaukie Municipal Code Title 19-Zoning Ordinance are repealed:

(Items a. through s. below are repealed and replaced by provisions of Title 19-Zoning Ordinance, Chapter 19.1400-Transportation Planning, Design Standards, and Procedures adopted herein.)

- a. *19.301.3.E, R-10 Residential Zone, yard abutting a major street.*
- b. *19.302.3.E, R-7 Residential Zone, yard abutting a major street.*
- c. *19.303.3.E, R-5 Residential Zone, yard abutting a major street.*
- d. *19.304.3.E, R-3 Residential Zone, yard abutting a major street.*
- e. *19.306.3.E, R-2 Residential Zone, yard abutting a major street.*
- f. *19.307.3.E, R-1-B Residential Zone, yard abutting a major street.*
- g. *19.308.3.E, R-1 Residential Zone, yard abutting a major street.*
- h. *19.309.3.E, R-O-C Residential Office Commercial Zone, yard abutting a major street.*
- i. *19.310.3.E, C-N, Commercial, Neighborhood Zone, yard abutting a major street.*
- j. *19.311.3.E, Commercial, Limited Zone, yard abutting a major street.*
- k. *19.313.3.E, Commercial, General Zone, yard abutting a major street.*
- l. *19.319.14.1.F, Manufacturing Zone, sidewalks and transit facilities.*

- m. 19.315.3.B, *Commercial, Community Shopping Zone, application procedures and notice requirements.*
- n. 19.318.8.A.21, *Mixed Use Overlay Zone, bicycle and pedestrian connections.*
- o. 19.311.9.C, *Community Service Overlay Zone, public facility requirements.*
- p. 19.314.3.E, *Business Industrial Zone, yard abutting a major street.*
- q. 411.1.C, *Supplementary Regulations, additional setbacks along major streets.*
- r. 423, *Supplementary Regulations, closed end street systems prohibited.*
- s. 19.312.17, *Natural Resource Overlay Zone, dedication of trails.*

Section 4. The following sections of Milwaukie Municipal Code Title 17-Subdivision Ordinance are repealed:

(Items a. through f. below are repealed and replaced by provisions of Title 19-Zoning Ordinance, Chapter 19.1400-Transportation Planning, Design Standards, and Procedures adopted herein.)

- a. 17.16.070.B, *Supplemental information, pedestrian ways.*
- b. Table 17.28.020, *Transportation Improvement Standards.*
- c. 17.28.020.B through 17.28.020.P, *Design Standards.*
- d. 17.28.030, *Design Standards, Blocks.*
- e. 17.28.040, *Design Standards, closed end street systems.*
- f. 17.28.050.C, *Design Standards, pedestrian ways.*
- g. 17.28.080, *Design Standards, bicycle and pedestrian connectivity.*

Section 5. Milwaukie Municipal Code Chapter 12.08, Street and Sidewalk Excavation, Construction, and Repair is amended as described in Exhibit 1.

Section 6. Milwaukie Municipal Code Title 19, the Milwaukie Zoning Ordinance, is amended as described in Exhibit 2.

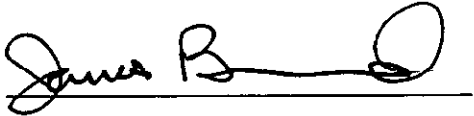
Section 7 Milwaukie Municipal Code Title 17, the Milwaukie Subdivision Ordinance, is amended as described in Exhibit 3.

Section 8. All required changes to title, chapter, and section citations and references are automatically adopted.

Read for the first time on 9/18/01 and moved to a second reading by unanimous vote of the City Council.

Read the second time and adopted by the City Council on 9/18/01.

Signed by the Mayor on 9/18/01.

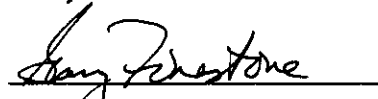
A handwritten signature in black ink, appearing to read "James Bernard", written over a horizontal line.

James Bernard, Mayor

ATTEST

Pat Duval
Pat Duval, City Recorder

APPROVED AS TO FORM
RAMIS CREW CORRIGAN &
BACHRACH, LLP

A handwritten signature in black ink, appearing to read "Gary Finestone", written over a horizontal line.

City Attorney

**Amendments to Milwaukie Municipal Code Chapter 12.08
Street and Sidewalk Excavations, Construction, and Repair**

SECTION 12.08.020 CONSTRUCTION STANDARDS:

A. Permit Required. No person shall commence or continue with any work in the right-of-way except as provided in this code and in compliance with Title 19, the Milwaukie Transportation Design Manual, other applicable codes, rules and regulations, and design standards. As used in this chapter, "work" means any activity in the public rights-of-way resulting in physical change thereto, including the following:

1. excavation or placement of structures;
2. any activity resulting in alteration of the surface of the right-of-way;
3. pavement overlays;
4. new traffic control and changes to existing traffic control;
5. drainage improvements;
6. new sidewalks and alterations to existing sidewalks;
7. new road construction;
8. alteration of street configuration or geometry;
9. new traffic calming structures and alterations to existing traffic calming devices; and/or
10. new bicycle lanes or bicycle accommodations and alterations to existing bicycle lanes or accommodations.

B. Preapplication Conference. A preapplication conference with the Civil Engineer, or designee, is required prior to submission of any application for work within public rights-of-way, except that the City Engineer may waive this requirement for small-scale projects.

C. Permit Applications. Applications for permits to perform work within city rights-of-way shall be submitted upon forms to be provided by the city and shall be accompanied by drawings, plans and specifications in sufficient detail to demonstrate:

1. That the work will be performed in accordance with all applicable codes, rules and regulations, specifically including city standard specifications and drawings;
2. That all issues identified in the preapplication conference have been resolved to the satisfaction of the Civil Engineer;

3. That any proposed new or modified facilities will be constructed in accordance with any applicable franchise agreement;

4. The location and route of all facilities to be installed aboveground or on existing utility poles;

5. The location and route of all new facilities on or in the public rights-of-way to be located under the surface of the ground, including the line and grade proposed for the burial at all points along the route which are within the public rights-of-way. Existing facilities shall be differentiated on the plans from new construction;

6. The location of all existing underground utilities, conduits, ducts, pipes, mains and installations which are within the public rights-of-way along the underground route proposed by the applicant. A cross section shall be provided showing new or existing facilities in relation to the street, curb, sidewalk or right-of-way; and

7. The construction methods to be employed for protection of existing structures, fixtures, and facilities within or adjacent to the public rights-of-way, and description of any improvements that applicant proposes to temporarily or permanently remove or relocate.

J. Notice of Construction. All applicants for work in the right-of-way must notify the City Engineer at least 120 days prior to planned commencement of work. Once a permit has been issued and except in the case of an emergency, the permittee shall notify the city not less than two working days in advance of any excavation or construction in the public rights-of-way.

**Amendments to Milwaukie Municipal Code
Title 19—Zoning Ordinance**

SECTION 19.103 DEFINITIONS:

New Definitions:

"Neighborhood street" means a roadway that moves local traffic in and out from residential areas to arterials and collectors. Neighborhood streets are similar to local streets in design (with residential frontage), but carry more traffic and are commonly used by local residents. Neighborhood streets do not provide citywide circulation, but mainly serve an immediate neighborhood. Because their traffic levels are greater than local streets and potential for speeding can be higher, neighborhood traffic management techniques can be appropriate.

"Substantial redevelopment" means any renovation, expansion, or alteration of an existing building that has a development permit value that exceeds fifty percent of the real market value of site improvements as determined by the County Assessor. The development permit value includes all labor and material costs associated with the proposed construction. The Building Official shall determine the value of the development permit.

SECTION 19.300 USE ZONES:

19.301.3, R-10 Residential, Standards:

(Note: See ordinance for sections that have been repealed)

J. Frontage requirements: Every lot shall abut a public street other than an alley for at least thirty-five feet except as provided in the subdivision ordinance. The lot for an interior single-family attached unit shall abut a public street for at least twenty feet.

L. Transportation requirements and standards: as specified in Chapter 19.1400.

19.302.3, R-7 Residential, Standards:

(Note: See ordinance for sections that have been repealed)

J. Frontage requirements: Every lot shall abut a public street other than an alley for at least thirty-five feet, except as provided in the subdivision ordinance.

The lot for an interior single family attached unit shall abut a public street for at least twenty feet.

L. Transportation requirements and standards: as specified in Chapter 19.1400.

19.303.3, R-5 Residential, Standards:

(Note: See ordinance for sections that have been repealed)

K. Frontage requirements: Every lot shall abut a public street other than an alley for at least thirty-five feet, except as provided in the subdivision ordinance. The lots for interior single-family attached units shall abut a public street for at least twenty feet.

M. Transportation requirements and standards: as specified in Chapter 19.1400.

19.304.3, R-3 Residential, Standards:

(Note: See ordinance for sections that have been repealed)

J. Frontage requirements: Every lot shall abut a public street other than an alley for at least thirty-five feet, except as provided in the subdivision ordinance. Lots for interior single-family attached units will abut a public street for at least twenty feet.

M. Transportation requirements and standards: as specified in Chapter 19.1400.

19.305.3, R-2.5 Residential, Standards:

H. Frontage requirements: Every lot shall abut a public street for at least thirty-five feet; except as provided in the subdivision ordinance, and attached residential lots which shall abut a public street for at least twenty feet.

K. Transportation requirements and standards: as specified in Chapter 19.1400.

19.306.3, R-2 Residential, Standards:

(Note: See ordinance for sections that have been repealed)

J. Frontage requirements: Every lot shall abut a public street other than an alley for at least thirty-five feet except as provided in the subdivision ordinance. Lots for interior single-family attached and condominium units shall abut a public street for at least twenty feet.

M. Transportation requirements and standards: as specified in Chapter 19.1400.

19.307.3, R-1-B Residential-Business Office-Commercial, Standards:

(Note: See ordinance for sections that have been repealed)

J. Frontage requirements: Every lot shall abut a public street other than an alley for at least thirty-five feet except as provided in the subdivision ordinance. Lots for interior single-family attached and condominium units shall abut a public street for at least twenty feet.

M. Transportation requirements and standards: as specified in Chapter 19.1400.

19.308.3, R-1 Residential, Standards:

(Note: See ordinance for sections that have been repealed)

J. Frontage requirements: Every lot shall abut a public street other than an alley for at least thirty-five feet except as provided in the subdivision ordinance. Lots for interior single-family attached and condominium units shall abut a public street for at least twenty feet.

M. Transportation requirements and standards: as specified in Chapter 19.1400.

19.309.3, R-O-C Residential-Office-Commercial, Standards:

(Note: See ordinance for sections that have been repealed)

K. Frontage requirements: Every lot shall abut a public street other than an alley for at least thirty-five feet except as provided in the subdivision ordinance. Lots for interior single-family attached and condominium units shall abut a public street for at least twenty feet.

N. Transportation requirements and standards: as specified in Chapter 19.1400.

19.310.3, C-N Neighborhood Commercial, Standards:

(Note: See ordinance for sections that have been repealed)

K. Frontage requirements: Every lot shall abut a public street other than an alley for at least thirty-five feet.

L. Transportation requirements and standards: as specified in Chapter 19.1400.

19.311.3, C-L Limited Commercial, Standards:

(Note: See ordinance for sections that have been repealed)

G. Frontage requirements: Every lot shall abut a public street other than an alley for at least thirty-five feet except as permitted under the subdivision ordinance. Lots for interior single-family attached and condominium units shall abut a public street for at least twenty feet.

L. Transportation requirements and standards: as specified in Chapter 19.1400.

19.313.3, C-G General Commercial, Standards:

(Note: See ordinance for sections that have been repealed)

G. Frontage requirements: Every lot shall abut a public street other than an alley for at least thirty-five feet.

M. Transportation requirements and standards: as specified in Chapter 19.1400.

19.314.1, M Manufacturing, Permitted uses are limited to industrial uses meeting the following criteria:

(Note: See ordinance for sections that have been repealed)

19.314.6, M Manufacturing, Site development requirements:

G. Transportation requirements and standards: as specified in Chapter 19.1400.

19.315.3, C-CS Community Shopping Commercial, Procedure:

A. Application review; minimum requirements:

5. Detailed traffic report, analyzing existing traffic, traffic generation, turning movements, and impact on adjacent streets. Report shall recommend roadway improvements needed to mitigate impacts as specified in Chapter 19.1400;

(Note: See ordinance for sections that have been repealed)

The application shall be reviewed under Minor Quasi-Judicial review procedures as provided in Section 19.1011.

19.315.5, C-CS Community Shopping Commercial, Development standards:

F. Transit. Reserve areas for transit facilities (bus turnout, shelter, benches, station, etc.) for the use of mass transit if requested by Tri-Met in their review of the project as specified in Chapter 19.1400.

J. Transportation requirements and standards: as specified in Chapter 19.1400.

19.318.8, MU Mixed Use Overlay, Development standards (for):

A. Commercial and Commercial/Residential Mixed Use (Office Uses are Included in the Commercial Designation):

(Note: See ordinance for sections that have been repealed)

21. Bicycle and pedestrian routes and facilities shall be provided consistent with the requirements and standards of Chapter 19.1400.

19.321.4, CSO Community Service Overlay, Authority to grant or deny a community service use:

A. An application for a community service use may be allowed if:

1. The requirements of the underlying zone are met;
2. Specific standards for the uses found in subsections 19.321.7--19.321.10 are met; and
3. The hours and levels of operation of the proposed use can be adjusted to be reasonably compatible with surrounding uses.

19.321.7, CSO Community Service Overlay, Specific standards for schools:

C. Walkways, both on and off the site, shall be provided as necessary for safe pedestrian access to schools subject to the requirements and standards of Chapter 19.1400.

19.321.9, CSO Community Service Overlay, Specific standards for churches, convents, and related facilities:

(Note: See ordinance for sections that have been repealed)

19.321.11, CSO Community Service Overlay, Specific standards for solid waste facilities (new):

19.321.11. Specific standards for solid waste facilities.

A. Hours of operation.

If a solid waste facility is to be located within 500 feet of property planned, zoned, or used for residential purposes, no solid waste facility shall be in operation between the hours of 7:00 p.m. and 7:00 a.m.

B. Traffic.

No solid waste facility shall be approved except where all vehicular access to and from the solid waste facility site is via a City of Milwaukie designated arterial street or Oregon Department of Transportation highway. No solid waste facility shall be approved unless consistent with the Level of Service standards of Chapter 19.1400.

C. Litter control.

The applicant shall provide to the City of Milwaukie at the time of application a plan for daily litter control. Said plan shall include identification of personnel, financing, available tools and facilities, methods to be used, and a method for public contact to notify operators of litter, noise, or other operational problems.

D. Noise.

Noise levels shall comply with Chapter 8.08 (Noise Control) of the Milwaukee Municipal Code.

E. Storage.

All materials shall be stored within an enclosed building except as follows:

1. where all materials are stored within an area enclosed by a solid, opaque wall or fence 8 feet or more in height and landscaped along all street frontages, and,
2. when located at least 250 feet from property planned, zoned, or used as residential, and,
3. where all materials are nonputrescible.

F. After-hours use.

Any containers provided for after-hours donation of recyclable materials only shall be located at least 250 feet from any property planned, zoned, or used for residential purposes.

G. Glare.

Exterior light shall be in accordance with the latest recommendations of the Illumination Engineering Society. Glare from either direct or indirect sources shall not exceed 0.5 footcandles. Site lighting shall be hooded and directed downwards, onto the site.

H. Materials handled.

No hazardous wastes, as defined and regulated by Oregon Revised Statutes 466.005 as amended, shall be disposed on the site.

19.322, NR Natural Resource Overlay:

(Reorder subsections to reflect repealed subsection.)

19.322.17 Coordination Among Regulatory Agencies.

19.324.6, BI Business Industrial, Standards:

(Note: See ordinance for sections that have been repealed)

K. Building Siting and Design. Buildings and sites shall be designed using the following principles:

7. Provisions for bus shelters, bike racks, street furniture, kiosks, drinking fountains, art sculptures, and/or other pedestrian and transit amenities as required by Chapter 19.1400.

SECTION 19.400 SUPPLEMENTARY REGULATIONS:

Section 19.401 Accessory uses, general provisions:

19.401.1 Limitations. Accessory uses shall comply with all requirements for the principal use except where specifically modified by this chapter and shall comply with the following limitations:

A. Fences, walls, and plantings may be constructed or maintained in yards with the following limitations:

Fences, walls, or plantings shall be constructed or maintained in yards only so as to permit unobstructed vision of passenger vehicle operations when approaching intersecting streets or driveways. Fence, wall, and planting standards to maintain unobstructed vehicle vision are to be provided by city public works as part of the clear vision determination process specified in Chapter 19.1400. Fences and walls on lot perimeters in areas other than those obstructing the vision of passenger vehicle operators shall be constructed or maintained to the following standards:

Section 19.404 Clear vision areas:

A clear vision area shall be maintained on the corners of all property at the intersection of two streets or a street and a railroad according to the provisions of Chapter 19.1400.

Section 19.411.1, Yard requirements, general exceptions, Exceptions:

(Note: See ordinance for sections that have been repealed)

Section 19.423 Closed-end street systems prohibited:

(Note: See ordinance for sections that have been repealed)

SECTION 19.500 OFF-STREET PARKING AND LOADING:**Section 19.503.12, Off-street parking standards, Curb Cuts:**

Curb cuts to parking areas shall be the minimum number necessary to provide access while not inhibiting the safe circulation and carrying capacity of the street. Curb cuts shall comply with the access spacing standards of Chapter 19.1400.

Section 19.505.1, Bicycle parking, Applicability:

Bicycle parking shall be provided for all new commercial, business industrial (BI), community service (CSO), and multifamily development, except for temporary and seasonal uses (e.g., fireworks and Christmas tree stands) and storage units. Bicycle parking shall be provided in the downtown zones and at transit centers.

Section 19.505.2, Bicycle parking, Number of Spaces:

The number of bicycle parking spaces shall be at least ten percent of the required automobile parking for the use. In no case shall less than two spaces be provided. The number of bicycle parking spaces at transit centers shall be provided at the ratio of 1 space per 100 daily boardings.

Section 19.505.5, Bicycle parking, Covered or enclosed bicycle parking

Covered or enclosed bicycle parking shall be provided when ten percent or more of automobile parking is covered. If more than ten bicycle parking spaces are required, then a minimum of fifty percent of the bicycle spaces shall be covered and/or enclosed (lockers).

SECTION 19.600 CONDITIONAL USES:**Section 19.601.2, Authorization to grant or deny conditional uses, Review criteria**

Applicants for conditional use shall provide evidence that all requirements of this title relative to the proposed use are satisfied, and demonstrate that the proposed use also satisfies the following criteria:

F. The proposed use complies with the transportation requirements and standards of Chapter 19.1400.

Section 19.602.7, Standards governing conditional uses, Single-Family Attached Dwellings:

In considering a conditional use application for single-family attached dwellings, the planning commission shall consider the following:

D. Terrain of the site.

Section 19.602.8, Standards governing conditional uses, Multifamily Condominium and Apartment Dwellings:**SECTION 19.900 AMENDMENTS:****Section 19.905.1, Approval criteria for all amendments, For all proposals, the applicant shall have the burden of proof regarding the following criteria:**

E. The proposed amendment is consistent with the functional classification, capacity, and level of service of the transportation system. A transportation impact analysis may be required subject to the provisions of Chapter 19.1400.

SECTION 19.1000 ADMINISTRATIVE PROVISIONS:

Section 19.1011.2, Procedures, Type II Administrative Review:

A. Public notification. Within fifteen days of the receipt of an application, the director will mail a notice of tentative decision. This notice shall contain a description of the request and shall describe the tentative decision made by the director, including findings and conclusions based on the applicable criteria. It will specify the deadline for submission to request a public hearing and provide for potentially affected persons to communicate concerns to the director, who will take them into account in reaching a final decision on the application. The notice shall be mailed to the owner, applicant, and all property owners within 300 feet of the outer boundaries of the site. The names and addresses used for this purpose shall be those shown on the current records of the county assessor. At least fourteen days shall be given from the date of the notice to state objections or request a public hearing. The notice shall also contain a listing of the applicable criteria upon which the decision was based.

Section 19.1011.3, Procedures, Minor Quasi-Judicial Review:

B. Public Notification. Notice shall be mailed to the property owner and applicant, if different, and to all property owners within 300 feet of the outer boundaries of the site, not less than twenty days prior to the date of the hearing. In addition, a sign that is legible from the closest street, indicating the date of the public hearing, shall be posted on the subject property not less than ten days prior to the date of the hearing.

C. Notice for Community Service Overlay Uses and Community Scale Shopping Center Use. Notice for development of community service uses shall be mailed to the applicant, property owner, and all property owners within 300 feet of the outer boundaries of the site. The names and addresses for this purpose shall be those shown on the current records of the county assessor. In addition, a sign that is legible from the closest street, indicating the date of the public hearing, shall be posted on the subject property not less than ten days prior to the date of the hearing. Notice of a hearing shall be published once each week for two consecutive weeks in a newspaper of general circulation in the city, of which the second publication shall be not less than five days prior to the date of the hearing.

CHAPTER 19.1400 TRANSPORTATION PLANNING, DESIGN STANDARDS, AND PROCEDURES:

(Note: See ordinance for sections that have been repealed)

19.1401 Purposes.

The purposes of this Chapter include the following:

A. Provide standards and procedures to implement provisions of the State Transportation Planning Rule (OAR 660, Division 12) and local, regional and state transportation system plans.

B. Implement performance measures to protect the functional classification, capacity and level of service of transportation facilities.

C. Assure that new development provides transportation improvements in rough proportion to identified impacts of the development.

D. Assure that transportation improvements are designed and connected to accommodate multiple modes of travel, including pedestrian, bicycle, transit and auto.

19.1402 Administration.

A. The Planning Director shall administer provisions of this chapter that apply to property excluding public rights-of-way. The City Engineer shall administer provisions that apply to public rights-of-way.

B. The City Engineer shall prepare and administer a Transportation Design Manual including the following subject to any limitations of this Code:

1. Design standards for transportation facilities located in public rights-of-way.

2. Policies, programs, or procedures related to neighborhood traffic management, school trip safety, capital improvements planning, and system development charges.

3. Traffic impact analysis methods, procedures, and submission requirements that implement Section 19.1408-Transportation Impact Analysis.

4. Facility maintenance policies and procedures.

5. Other provisions or requirements as needed or desired to manage the City's transportation system and its components.

The manual shall be adopted by resolution of the City Council.

C. Provisions of this Chapter shall be coordinated with Title 12-Street, Sidewalks, and Public Places; Chapter 15.32-Public Facilities Improvements; Chapter 15.36 Public Works Standards; Chapter 13.28-Capital Improvements; and Chapter 13.30 Reimbursement Districts. Any conflict between this Chapter and another shall be resolved by administrative determination of the City Engineer and Planning Director as applicable.

D. The City shall implement a system to collect and administer fees collected in lieu of constructing improvements required under provisions of this Title.

19.1403 Applicability.

Chapter 19.1400 is applicable to the following general categories of development, except as limited by Section 19.1403.1:

- A. New construction, including residential, commercial, industrial, or other.
- B. Creation of new lots by partition, subdivision, and planned development.
- C. Substantial redevelopment (as defined in Section 19.103 of this Ordinance) of multifamily, commercial, industrial, and institutional uses.
- D. The following are subject to transportation impact analysis requirements of Section 19.1408 when the action increases development potential:
 - 1. Proposed changes to Comprehensive Plan or Land Use Map.
 - 2. Proposed changes to Milwaukie Municipal Code Title 19 or zoning map.

19.1403.1 Limitations.

A. Development of a detached or attached single-family dwelling on an existing lot.

The only provisions of Chapter 19.1400 that apply to single-family residential development on existing lots are:

- 1. Section 19.1407.2 Adequacy Requirement (excluding Level of Service standards);
- 2. Section 19.1409.1.B, Required frontage;
- 3. Table 19.1409.3, Additional Setbacks in Major Streets;
- 4. Section 19.1409.2.B, Right-of-way dedication;
- 5. Section 19.1409.2.E., Vision clearance;
- 6. Section 19.1410.2, Public sidewalks; and
- 7. Section 19.1413, Access management.

B. Development in the Downtown Zones.

Specific design standards and public area requirements have been adopted for the Downtown Zones; therefore, only the following provisions of Section 19.1400 shall apply in the Downtown Zones:

- 1. Section 19.1405.4, Notice and coordinated review.
- 2. Section 19.1408, Transportation impact analysis.
- 3. Section 19.1413, Access management.

C. New construction or substantial redevelopment, as defined in Section 19.103, is exempt from Section 19.1408.2 Adequacy Requirements, when the estimated value of the construction improvements is less than \$200,000, and when a transportation impact study is not required. The \$200,000 value threshold shall be increased 3 percent annually to account for inflation of material and labor costs, commencing 12:00 a.m. October 18, 2001, and thereafter.

19.1404 Exception, Adjustment, or Variance.

A. Intent.

The criteria in this chapter reflect the need for flexibility in the application of transportation requirements and design standards to respond to unique site characteristics or hardship situations. Criteria are provided for different categories of exceptions and adjustments.

B. Review Process.

All requests for adjustments and exceptions shall be processed in accordance with 19.1011.2-Type II-Administrative Review procedures concurrent with the application for land use approval.

C. Adjustments.

The transportation facility design standards of Chapter 19.1400 and the Transportation Design Manual may be adjusted in accordance with Table 19.1409.3 and the criteria listed below. Transportation facility design standards apply only to improvements located within public rights-of-way. An adjustment to a design standard may be granted when the City Engineer finds it is consistent with the following, based upon professional judgement and accepted engineering practices:

1. In all cases the adjustment is consistent with the purposes of Chapter 19.1400 and the Milwaukie Transportation System Plan;
2. The adjustment serves to protect significant features such as but not limited to trees, historic or other valued buildings, water resources, and the like where means to ensure continued protection of the resource are secured;
3. Strict compliance with the design standard will result in a potentially hazardous condition;
4. Strict compliance is deemed infeasible due to engineering limitations including connectivity to adjoining transportation and stormwater facilities; and/or
5. Existing transportation facilities that serve the site are adequately sized and are in usable and safe condition but do not meet a dimensional standard.

Cost of required improvements shall not be a basis for granting an adjustment.

D. Exceptions.

The City Engineer may waive compliance with transportation facility design standards for improvements located in the right-of-way in the following cases:

1. An approved and funded capital improvement project that benefits the site is scheduled for construction within three years of the land use approval;
2. The developer pays to the City a fee in lieu of construction costs for required site improvements and there will be no safety hazards as determined by the City Engineer; and/or
3. A local improvement district, which includes the development site, has been approved.

E. Variances.

Requests for relief from any provision of this chapter or the roadway design manual that cannot be modified under 19.1404.C or 19.1404.D shall be reviewed under provisions of Chapter 19.700-Variance, Exceptions, and Home Improvements.

19.1405 Development Review Process.

The review procedure used to confirm compliance with Chapter 19.1400 varies depending on the review procedure applicable to the proposed development.

19.1405.1 Type I Application Review.

Type I review procedures are set forth in Section 19.1011.1. Type I review is used to check compliance with applicable provisions of Chapter 19.1400 for the following, unless a concurrent application will require Minor or Major Quasi-Judicial review, in which case the application will be processed under Sections 19.1011.3 and 19.1011.4 respectively:

A. Development of a new detached or attached single-family dwelling on an existing lot;

B. New construction or substantial redevelopment, as defined in Section 19.103, when the estimated value of the construction improvements is less than \$200,000; and a transportation impact analysis is not required by Section 19.1408;

C. New construction or substantial redevelopment, as defined in Section 19.103, when the estimated value of the construction improvements exceed \$200,000; and as follows:

1. frontage improvements that meet the design standards of Chapter 19.1400 are in place or will be provided prior to occupancy; and

2. a transportation impact study is not required pursuant to Section 19.1408.

The \$200,000 value threshold shall be increased 3 percent annually to account for inflation of material and labor costs, commencing 12:00 a.m. October 18, 2001, and thereafter.

19.1405.2 Type II Review.

Type II review procedures are set forth in Section 19.1011.2. Type II application review process shall be used to confirm compliance with Chapter 19.1400, unless a concurrent application will require Minor or Major Quasi-Judicial review, in which case the application will be processed under Sections 19.1011.3 or 19.1011.4 as applicable.

A. Type II review is required in the following situations:

1. When a transportation impact analysis is required by Section 19.1405; or
2. When an adjustment or exception to a transportation facility design standard of Chapter 19.1400 or the Transportation Design Manual is requested.

19.1405.3 Minor or Major Quasi-Judicial Review.

Review procedures for Minor and Major Quasi-Judicial Review are set forth in Sections 19.1011.3 and 19.1011.4, respectively. A separate application and fee is required for the Chapter 19.1400 compliance review; however, the application will be consolidated and reviewed concurrent with the Minor or Major Quasi-Judicial Review.

19.1405.4 Notice and Coordinated Review.

A. Specific notice requirements. In addition to the general notice provisions set forth in Chapter 19.1100, the City shall provide notice of applications submitted for Chapter 19.1400 review as outlined below:

1. Notice to the Oregon Department of Transportation (ODOT) if the proposed development generates more than 200 vehicle trips per day, is within 200 feet of a State highway, or is within 1,320 feet of a State highway interchange ramp.

2. Notice to Metro and Clackamas County if the proposed development is within 200 feet of a designated arterial or collector roadway, as identified in Figure 6.1 of the Milwaukie Comprehensive Plan.

3. Notice to Metro if the proposed development is within 200 feet of a designated regional multiuse trail, as identified in the Regional Transportation Plan.

4. Notice to Tri-Met if the proposed development (excluding single family development on an existing lot) is within 200 feet of an existing transit route.

B. Maps of areas subject to notice. The Transportation Design Manual includes maps that outline the areas subject to the specific notice requirements described above.

C. Coordinated review. The City shall coordinate the development application review and conditions with the agencies listed above. If there is a deadline for agency submittal of comments and suggested conditions, it shall be included in the original notice provided by the City. The agency shall indicate if additional permits or approvals are required for access or transportation improvements separate from the City of Milwaukie requirements.

19.1405.5 Approval Criteria.

Criteria for decisions under Chapter 19.1400 are as follows:

- A. The proposed development and related transportation improvements comply with procedures, requirements, and standards of Chapter 19.1400 and the Transportation Design Manual unless an exception or adjustment has been

granted in accordance with Section 19.1404 or a variance has been granted in accordance with Chapter 19.700.

B. If a transportation impact analysis is required, the findings of the analysis ensure that the development will provide transportation improvements and mitigation in rough proportion to the identified impacts of the development.

C. All required improvements identified under city review of a transportation impact analysis shall be provided or otherwise accommodated in accordance with Section 19.1407.4-Mitigation.

D. The proposed development will not result in hazardous or unsafe transportation conditions or unacceptable level of service impacts that cannot be mitigated.

19.1406 Neighborhood Through-trip Study.

Any non-residential development adding more than 25 through vehicles per day to an adjacent residential local street will require assessment and mitigation of local street impacts. Through trips are defined as those to and from a development that have neither an origin nor a destination in the neighborhood. The through-trip study shall include the following:

A. An estimate of the number of through trips per day on adjacent residential streets created by the development and the existing counts for the same streets.

B. Traffic management strategies shall be identified to mitigate the impacts of increased through trips attributed to new development consistent with Section 19.1408.3-Rough Proportionality and 19.1408.4-Mitigation.

This provision shall be implemented independent of Section 19.1408 when the development proposal does not require a transportation impact study in accordance with 19.1408.2.B-Threshold Scoring. If a transportation impact analysis is required, the through-trip study shall be included in the transportation impact study.

19.1407 Adequate Transportation Facility Requirement.

19.1407.1 Purpose.

The purpose of this Chapter is to ensure that streets, sidewalks, and other transportation facility design elements are safe, convenient, and adequate to accommodate the impacts of new development or redevelopment consistent with the State Transportation Plan Rule and the Milwaukie Comprehensive Plan, Transportation System Plan, and Capital Improvement Plan.

19.1407.2 Adequacy Requirement.

Rights-of-way, streets, sidewalks, necessary public improvements, and other public transportation facilities shall be adequate at the time of development or shall be made adequate in a timely manner for all development projects subject to review under Chapter 19.1400. This provision applies to transportation facilities located in the public right-of-way abutting the development site.

The provision may also apply to transportation facilities located in rights-of-way that do not abut the site when a transportation impact analysis conducted under Section 19.1408 demonstrates that affected facilities are insufficient to accommodate the impacts of the proposed development. In such cases transportation improvements are required in rough proportion to the impacts created by the development in accordance with Section 19.1408.

19.1407.3 Definition of Necessary Improvements.

As used in 19.1407.2, "necessary improvements" are:

A. Improvements identified as necessary in a transportation impact analysis to comply with the adequate public facility requirement; and/or

B. Improvements otherwise identified as necessary for compliance with 19.1407.4.B.

19.1407.4 Definition of Adequacy.

As used in 19.1407.2, "adequate" means the following:

A. Compliance with Level of Service D for all intersections, except those on Oregon Highway 99E, which shall be subject to the following:

1. Level of Service F for the first hour of the morning or evening two-hour peak period; and
2. Level of Service E for the second hour of the morning or evening two-hour peak period; and

B. Compliance with the design standards specified in Chapter 19.1400 and the Transportation Design Manual, including but not limited to the following:

1. Right-of-way width;
2. Functional classification cross section;
3. Transportation facility design standards;
4. Pedestrian, bicycle and transit standards; and
5. Access management standards.

19.1407.5 Determination of Level of Services.

Level of Service is determined by using the latest edition of the Highway Capacity Manual (Transportation Research Board). Comparable measures of

performance, including volume to capacity analysis, may be substituted for Level of Service analysis, as outlined in the Transportation Design Manual.

19.1407.6 Definition of Timely.

As used in 19.1407.2, "timely" means the following:

A. Necessary transportation improvements will be constructed by the developer or through another mechanism, such as a local improvement district. Necessary improvements shall be completed, or the developer shall provide the City with a deposit, letter of credit, performance bond or other surety satisfactory to staff, prior to:

1. Final city inspections for occupancy approval; and/or
2. Recording of the plat in the case of a subdivision or partition; and/or

B. Necessary transportation improvements are included in the Milwaukie Capital Improvement Plan, are fully funded and are scheduled to be under construction within three years of the date the land use approval is issued.

19.1408 Transportation Impact Analysis.

19.1408.1 Intent.

A transportation impact analysis documents the expected impacts of a proposed development on the surrounding transportation system and the adequacy of the transportation system to serve the proposed development. The TIA provides a consistent framework to evaluate transportation impacts and the basis to assess reasonable and proportionate mitigation of impacts. Frontage improvements are a development requirement and shall not be considered mitigation of transportation impacts.

19.1408.2 Applicability.

A. All projects that require development review under Chapter 19.1400 shall schedule a pre-application conference with the Planning Director and City Engineer or designees prior to submittal of the land use application.

B. Based on the information provided by the applicant, the City will determine whether a transportation impact analysis is required under the "threshold scoring" method described in the Transportation Design Manual.

C. The City may also require a pre-application conference and transportation impact analysis for quasi-judicial plan amendment, zone change and conditional use permit applications.

D. The determination of whether a transportation impact analysis is required is not a land use action and may not be appealed.

E. If it is determined that a transportation impact analysis is required, the City shall specify the required content and impact area of the project, consistent with the guidelines in the Transportation Design Manual.

F. The applicant shall pay to the City the costs of transportation impact study review in accordance with the fee resolution adopted by the City Council.

G. If the application requires specific notice to ODOT or Clackamas County under the provisions of 19.1405.4, the City will request agency input to establish a coordinated scope for the transportation impact analysis.

H. The transportation impact analysis shall be submitted with the application materials for land use approval. Failure to submit the transportation impact analysis shall be grounds for deeming the application incomplete pursuant to Section 19.1004 and Oregon Revised Statutes 227.178.

I. The decision-making authority may apply conditions to land use decisions as needed to satisfy adequate transportation facility requirements of Section 19.1408 or otherwise mitigate transportation impacts described in the transportation impact analysis.

19.1408.3 Rough Proportionality.

A. Mitigation of impacts due to increased demand for transportation facilities associated with the development proposal shall be provided in rough proportion to the transportation impacts of the development. These impacts shall be identified by the transportation impact analysis conducted under Section 19.1408.2.

B. The applicant shall bear the burden of demonstrating proportionate impacts to motor vehicle, pedestrian, bicycle, and transit facilities related to the development proposal.

C. The estimation of rough proportionality does not require precision, though it shall be as precise as possible given available analytical methods. Accepted engineering methods shall be used when available and appropriate. Limitations of available engineering methods and practices do not preclude estimation of rough proportionality through other approaches. Professional judgement and reasoning may be used to describe proportional impacts in terms that allow identification of required mitigation. In identifying proportional impacts the following shall be considered:

1. Condition and capacity of existing facilities within the impact area in relation to city standards.
2. Existing vehicle, bicycle, pedestrian, and transit use within the impact area.
3. The effect of increased demand on transportation facilities related to the proposed development and any other approved development within the impact area.

4. Applicable Transportation System Plan/Comprehensive Plan policies and network action plans.

5. Whether any route affected by increased demand within the impact area is listed in any city program including School Trip Safety; Neighborhood Traffic Management; Capital Improvement; System Development Improvement, or others.

6. Accident history within the impact area.

7. Potential increased safety risks to transportation facility users, including pedestrians and cyclists.

8. Other considerations as may be specified in the development review process and communicated in writing by the City.

19.1408.4 Mitigation.

A. Mitigation of transportation impacts shall be provided by the applicant when there is an increase in demand for transportation facilities, including motor vehicle, pedestrian, bicycle, and/or transit trips within the impact area. Increase in demand is demonstrated through a transportation impact analysis conducted under this Chapter.

B. Mitigation options include, but are not limited to, the following:

1. On- and off-site improvements constructed by the developer (beyond required frontage improvements) can be considered as mitigation of transportation impacts.

2. Demand management programs may be used as mitigation when applied as conditions of land use approval.

3. Payment of in-lieu fee may be used to meet mitigation requirements where it is not practical to construct improvements due to cost or timing considerations. The in-lieu fee shall be commensurate with the cost of mitigation improvements. Such payments shall be reserved by the city for future transportation projects that serve the project impact area.

4. Correction of off-site transportation deficiencies within the impact area, not substantially related to the impacts of the project, may be credited toward mitigation requirements.

5. Construction of on-site facilities or facilities located within the right-of-way adjoining the project site that exceed minimum required standards and which have a public transportation benefit may be considered toward meeting mitigation requirements.

19.1409 Street Requirements and Design Standards.

19.1409.1 General Provisions.

A. Streets shall be designed and improved in accordance with the standards of this Chapter and the Transportation Design Manual.

B. Streets shall be designed in consideration of Chapter 5 of the Milwaukie Comprehensive Plan. Chapter 5, Figure 6.1 illustrates the Functional Classification of Streets; Figure 6.10 illustrates the Street Master Plan.

C. No development permit shall be issued unless it complies with the Adequate Transportation Facility Requirement set forth in Section 19.1408.

D. No development permit shall be issued unless the development has frontage or approved access to a public street. For lots that are legally nonconforming with regard to frontage, an access easement sufficient to accommodate required improvements will be required.

E. All transportation facilities shall be designed and improved in accordance with the standards of this Chapter and the Transportation Design Manual. ODOT facilities shall be designed consistent with state and federal standards.

F. Cross sections for street improvements by functional classification are included in the Transportation Design Manual.

G. Rights-of-way shall be provided in accordance with the widths shown in Table 19.1409.3 and may not be varied under provisions of this Chapter.

H. Transportation facility design standards shall be provided in accordance with the dimensions shown as "required" on Table 19.1409.3.

I. Under provisions of Section 19.1404-Adjustments and Exceptions, the City Engineer may authorize adjustments to transportation facility design standards not less than the "minimum allowed" dimensions in Table 19.1409.3.

19.1409.2 Street Functional Classification and Improvement Standards.

A. Right-of-way and Improvements. Table 19.1409.3 specifies right-of-way widths and improvement standards by street functional classification. The Transportation Design Manual includes cross sections that illustrate the improvements (e.g., lanes, parking strip, sidewalk, etc.) associated with each functional classification and right-of-way width.

B. Dedication. All streets and necessary rights-of-way shall be dedicated to the public for street purposes in accordance with Table 19.1409.3 and Section 19.1407 Adequate Transportation Facility Requirements. Additional dedication may be required at intersections for improvements identified as needed by the Milwaukie Transportation System Plan or a transportation impact analysis conducted under Section 19.1408.

C. Improvements. No development shall occur unless the development has frontage or approved access to a public street.

1. Any new street or additional street width planned as a portion of an existing street shall be dedicated and improved in accordance with this Chapter.

2. New development shall be connected to the street network by a paved street.

3. Half-street improvements, as opposed to full-width street improvements, are generally not acceptable. However, half-street improvements may be approved where essential to reasonable development of the property and when the review authority finds that it will be possible to obtain the dedication and/or improvement of the remainder of the street when property on the other side of the half-street is developed. The minimum width for a half-street improvement shall be 20 feet.

4. To ensure adequate access to a development site, the review authority may require off-site street improvements concurrent with development if warranted by a Transportation Impact Analysis.

5. Where necessary to give access or permit future development of adjoining land, streets shall be extended to the boundary lines of the tract to be developed, and:

a. These street stubs to adjoining properties are not considered to be cul-de-sacs since they are intended to continue as through streets at such time as the adjoining property is developed.

b. A barricade and sign shall be constructed at the end of the street that shall not be removed until authorized by the City Engineer. The cost of the barricade and sign shall be included in the street construction cost.

c. Temporary hammerhead turnouts or temporary cul-de-sac bulbs shall be constructed for stub streets in excess of 150 feet in length.

d. In order to assure the eventual continuation or completion of the street, reserve strips may be required.

e. Drainage facilities shall be provided to properly manage storm water run-off from temporary dead-ends.

D. Traffic calming may be required in the design of a proposed street through the development review process or through the Neighborhood Traffic Management Program for existing streets. Traffic calming devices shall be designed to the standards in the Transportation Design Manual.

E. Vision Clearance. No signs, structures, or vegetation in excess of three feet in height shall be placed in "vision clearance areas" at intersections of streets, driveways, and alleys based on the guidelines in the most recent edition of the "AASHTO Policy on Geometric Design of Highways and Streets" (Green Book). The City Engineer may vary sight distance standards in the interest of preserving significant vegetation, or other valued features, where the variance will not cause undue safety hazards.

F. Additional Setbacks from Major Streets. Yards abutting a major street are subject to additional yard requirements. Yards shall be measured so that the minimum distance from the center line of the right-of-way to the closest point of a building shall be in accordance with Table 19.1409.2.

19.1409.3 General Street Design Standards.

A. General. The length, width and shape of blocks shall take into account the need for adequate lot size, convenient access, circulation and traffic safety, and shall recognize the limitations of the topography.

B. Street layout and connectivity. Street layouts shall be generally rectilinear and may be aligned to physically adapt streets to topography or other natural conditions; or to provide a variety of alignments or grid patterns within an interconnected street system.

C. Block length and perimeter.

For parcels of land to be subdivided with a total size of three acres or larger, no block may be more than 530 feet in length between intersecting street lines, unless it is adjacent to an arterial street, except where topography, barriers including railroads, freeways, existing development, or environmental constraints including but not limited to wetlands or water features warrant exception.

For sites to be subdivided with a total size of less than three acres, no block may be more than 800 feet in length between intersecting street lines, unless it is adjacent to an arterial street, except where topography, barriers including railroads, freeways, existing development, or environmental constraints including but not limited to wetlands or water features warrant exception.

The average perimeter of blocks formed by streets shall not exceed 1,600 feet.

For the purpose of this section, "existing development" means built improvements including streets, associated utilities, and permanent residential, commercial, or institutional structures. Modification of the block length and perimeter standards shall only be permitted under variance provisions of Zoning Ordinance Chapter 19.700.

D. Cul-de-sacs shall only be provided when no opportunity exists for creating a through street connection. The lack of present ownership or control over abutting property shall not be grounds for construction of a cul-de-sac. For parcels of land to be subdivided with a total size of three acres or larger, a street ending in a cul-de-sac shall have a maximum length of 200 feet, measured from the cross street right-of-way to the farthest point of right-of-way containing the cul-de-sac. For parcels of land to be subdivided with a total size of less than three acres, a street ending in a cul-de-sac shall have a maximum length of 400 feet, measured from the cross street right-of-way to the farthest point of right-of-way containing the cul-de-sac. A cross section for cul-de-sacs is provided in the Transportation Design Manual.

E. Pedestrian/bicycle accessways shall be required to provide mid-block connections between blocks that exceed 600 feet, or to link the end of a cul-de-sac with a nearby collector or arterial street or activity center. The standards for accessways are provided in Sections 19.1410 and 19.1411.

F. Closed end street systems, as defined in Section 19.103 may serve no more than 20 dwellings.

G. Alleys. Alleys are encouraged in commercial and industrial developments. Alleys are allowed in residential districts with the approval of the Planning Commission, subject to the standards in the Transportation Design Manual.

H. Street design details. Standards for design speed, horizontal/vertical curves, grades and curb return radius are specified by street functional classification in the Transportation Design Manual.

I. Street names. No street name may be used which will duplicate or be confused with the name of an existing street, except for extensions of existing streets. Street names and numbers shall conform to the established pattern in the surrounding area.

J. Railroad crossings. Where an adjacent development results in a need to install or improve a railroad crossing, the cost for such improvements may be a condition of development approval, or another equitable means of cost distribution subject to Section 19.1407-Adequate Transportation Facilities and 19.1408-Transportation Impact Analysis as applicable.

K. Street signs. The City shall install all street signs, relative to traffic control and street names, as specified by the City Engineer for any development. The cost of signs shall be the responsibility of the developer.

L. Traffic signals. The location of traffic signals shall be noted on approved development plans. Where a proposed intersection will result in an immediate need for a traffic signal, a signal meeting approved specifications shall be installed.

M. Streetlights. The location of streetlights shall be noted on approved development plans. Streetlights shall be installed in accordance with regulations adopted by the City.

19.1409.4 General Intersection Design Standards.

A. Connecting street intersections shall be located to provide for traffic flow, safety, and turning movements, as conditions warrant.

B. Street and intersection alignments for local streets should facilitate local circulation but avoid alignments that encourage non-local through traffic.

C. Streets should generally be aligned to intersect at right angles (90 degrees). Angles of less than 75 degrees will not be permitted unless the City Engineer has approved a special intersection design.

D. New streets shall intersect with existing street intersections so that centerlines are not offset, except as provided in Table 19.1409.1. Where existing streets adjacent to a proposed development do not align properly, conditions may be imposed on the development to provide for proper alignment.

Table 19.1409.1. Street/Intersection Spacing.

Street Classification	Minimum Distance Between Street Intersections	Maximum Distance Between Street Intersections
Arterial	530 feet	1000 feet
Collector	300 feet	600 feet
Neighborhood Route	150 feet	400 feet
Local	100 feet	530 feet

Table 19.1409.2. Additional Yard Requirements.

Major Street	Distance from Centerline (plus yard requirements in zone)
Firwood Street (55th to Stanley).....	25 feet
Harmony Road	40 feet
Harrison Street (Milwaukie Expressway to 44th).....	40 feet
Harrison Street (Milwaukie Expressway to McLoughlin).....	30 feet
Harvey Street (32nd to 42nd)	25 feet
Howe Street (42nd to 43rd)	30 feet
Johnson Creek Boulevard	30 feet
King Road.....	40 feet
Linwood Avenue	40 feet
Lake Road	30 feet
Logus Road	25 feet
Monroe Street (52nd to Linwood)	30 feet
Oak Street	30 feet
Oatfield Road	30 feet
Ochoco Street	30 feet
Olsen Street	25 feet
Railroad Avenue.....	30 feet
River Road (south of Lark Street).....	30 feet
Roswell Street (32nd to 42nd)	25 feet
Washington Street (west of Railroad).....	30 feet
Willow Street (Windsor Drive to Stanley).....	25 feet
River Road (City limits to Lark).....	30 feet
17th Avenue (Ochoco to McLoughlin)	40 feet

32nd Avenue (north of Harrison)	30 feet
37th Avenue (Lake Road to Grogan).....	25 feet
40th Avenue (Harvey to Railroad)	40 feet
42nd Avenue (Johnson Creek Blvd to Howe Street)	30 feet
42nd Avenue (Harrison Street to King Road)	30 feet
43rd Avenue (Howe to King)	30 feet
55th Avenue (Firwood to Johnson Creek Blvd.)	25 feet

Table 1409.3 Transportation Facility Design Standards

Dimensions are shown in feet

Classification	Right of Way	Travel Lane		On-street Parking		Sidewalks		Landscape Strips		Bike Lane/ Combined Bike & Travel Lane	
		Req'd.	Min. Allowed	Req'd.	Min. Allowed ¹	Req'd.	Min. Allowed	Req'd.	Min. Allowed	Req'd.	Min. Allowed
Arterial ²	73	12	11	8	7/6	10	5	5	0	6/16	5/14
Collector ³	60	11	10	8	7/6	8	5	5	0	6/16	5/14
Neighborhood	52	10	10	8	7/6	6	4	5	0	6/16	5/14
Local	50	10	10	8	7/6	6	4	5	0	6/16	5/14
Truck Route	n/a	12	11	8	7/6	n/a	n/a	n/a	n/a	6/16	5/14
Bus Route	n/a	12	11	8	7/6	n/a	n/a	n/a	n/a	6/16	5/14

Arterials⁴

Collectors				Neighborhood Routes			
OR Highway 99E*	Johnson Creek Blvd.*	Main Street	Roswell Street	Logus Road			
OR Expressway 224*	17 th Avenue*	Stanley Avenue	Olsen Street	27 th Avenue			
Linwood Avenue*	32 nd Avenue	Oak Street	Harvey Street	37 th Avenue			
Lake Road*	Washington Street	Monroe Street	Brookside Drive	Wood Avenue			
King Road*	Jefferson Street	Jackson Street	Regents Street	Washington Street/Ilda Lane			
Harrison Street*	34 th Avenue	Railroad Avenue	Willow Street	Furnberg Drive/71 st Avenue			
River Road*	42 nd Avenue	Rusk Road	Mason Lane	Cedar Crest Drive			
	43 rd Avenue	37 th Avenue	Howe Street	Home Avenue			

*Street shown with an asterisk indicate the route is a regional facility in accordance with the Regional Transportation Plan

¹ Minimum residential on-street parking is 6 feet. Minimum commercial on-street parking on is 7 feet.

² Right-of-way requirements for Oregon Highway 99E and Expressway 224 shall be determined by Oregon Department of Transportation. Required rights-of-way for the following arterials supercede Table 1408.5: Oatfield Road, 60 feet; Linwood Avenue, 64 feet;

³ Right of way requirements for 17th Avenue are 72 feet between Highway 99E and Expressway 224; north of Expressway 224, 60 feet.; 50 feet for Monroe Street west of 224, Stanley Ave., 34th 600 feet north of Lake Rd, 32nd Ave, 43rd Ave-Howe St.-42nd Ave.

⁴ Minor arterials include Linwood Avenue, Lake, Harrison, King, and Oatfield Roads. McLoughlin Blvd. south of Harrison is a major arterial, north of Harrison it is a principal arterial.

19.1410 Pedestrian Requirements and Standards.

19.1410.1 General Provisions.

A. Pedestrian facilities, including public sidewalks, on-site walkways, and pedestrian/bicycle accessways, shall be designed and improved in accordance with the standards of this Chapter and the Transportation Design Manual.

B. Goals, objectives and policies relating to walking are included in Chapter 5 of the Milwaukie Comprehensive Plan and provide the context for the pedestrian requirements and standards. Figure 3.1 of the Comprehensive Plan illustrates the Walkways Network Master Plan and Figure 3.2 illustrates the Walkways Action Plan.

C. Americans with Disabilities Act (ADA) requirements for pedestrian facilities shall apply where there is a conflict with City standards.

19.1410.2 Public sidewalks.

A. Requirement. Public sidewalks are required on the public street frontage of all new development (including detached and attached single family dwellings on existing lots), all land divisions, and substantial redevelopment of commercial, industrial, multifamily and institutional uses. Public sidewalks are generally constructed within the dedicated public right-of-way, but may be located outside of the right-of-way within an easement with the approval of the City Engineer.

B. Design Standards. Standards and cross section details for the location, width and design of public sidewalks are included in the Transportation Design Manual.

C. Maintenance. Maintenance of sidewalks, curbs, and planting strips is the continuing obligation of the adjacent property owner in accordance with Chapter 12.04.

19.1410.3 On-site walkways and circulation.

A. Requirement. All new development (excluding single family) and substantial redevelopment of commercial, industrial, multifamily and institutional uses shall provide a system of walkways that encourage safe and convenient pedestrian movement within the site and connections to off-site destinations. On-site walkways shall link the site with the public street sidewalk system. Walkways are required between parts of a site where the public is invited to walk. Walkways are not required between buildings or portions of a site that are not intended or likely to be used by pedestrians, such as truck loading docks and warehouses.

B. Location. A walkway into the site shall be provided for every 300 feet of street frontage.

C. Connections. Walkways shall connect building entrances to one another and building entrances to adjacent public streets and existing or planned transit stops. On-site walkways shall connect with walkways, sidewalks, bicycle facilities, alleys and other bicycle or pedestrian connections on adjacent properties used or planned for commercial, multifamily, institutional or park use. The City may require connections to be constructed and extended to the property line at the time of development.

D. Routing. Walkways shall be reasonably direct. Driveway crossings shall be minimized. Internal parking lot circulation and design shall provide reasonably direct access for pedestrians from streets and transit stops to primary buildings on the site.

E. Design Standards. Walkways shall be constructed with a hard surface material and shall be no less than 5 feet in width. If adjacent to a parking area where vehicles will overhang the walkway, a 7-foot wide walkway shall be provided. The walkways shall be separated from parking areas and internal driveways using curbing, landscaping, or distinctive paving materials. On-site walkways shall be lighted to an average 0.5 foot-candle level. Stairs or ramps shall be provided where necessary to provide a direct route.

19.1410.4 Pedestrian/bicycle accessways.

A. Intent. Pedestrian/bicycle accessways are intended to provide safe and convenient connections within and from new residential subdivisions, multifamily developments, planned developments, shopping centers and commercial districts to adjacent and nearby residential areas, transit stops and neighborhood activity centers where public street connections between such uses are unavailable.

Public street connections for cars, pedestrians and bicycle circulation are preferable to accessways. Pedestrian/bicycle accessways should only be used to ensure connectivity to nearby neighborhood activity centers in areas where no other public street options are available.

B. Requirement. Pedestrian/bicycle accessways shall be required in the following situations:

1. In residential and industrial districts where a street connection is not feasible and the addition of an accessway would reduce walking or bicycling distance by 400 feet or more, and by at least 50 percent over other available pedestrian routes to an existing transit stop, a planned transit route, or to a school, shopping center, or neighborhood park.

2. In commercial and community service overlay districts where addition of an accessway would reduce walking or bicycling distance by 200 feet, and by at least 50 percent over other available pedestrian routes to an existing transit stop, a planned transit route, or to a school, shopping center, or neighborhood park.

3. For purposes of 1 and 2 above, other available pedestrian routes include public sidewalks and walkways within shopping centers, planned developments

and industrial districts. Routes may cross parking lots on adjoining properties if the route is open to the public for pedestrian use, is a paved surface and is unobstructed.

4. Accessways shall be located to provide a reasonably direct connection between likely pedestrian destinations.

C. Design Standards. An accessway shall have a minimum right-of-way width of 15 feet and shall be improved to a minimum width of 10 feet and paved with a hard surface material. If an accessway also provides secondary fire access or a public utility corridor, its right-of-way width shall be at least 20 feet with a minimum 15-foot wide paved surface. Additional standards relating to entry points, maximum length, visibility, and lighting of accessways are provided in the Design Manual.

D. Ownership, liability and maintenance of accessways. To enable access and allow maintenance over time for all pedestrian/bicycle accessways, the City Engineer can require one of the following:

1. That the accessways be dedicated to the public and accepted by the City as public right-of-way prior to the final approval of the development.

2. That approval of the development shall be contingent upon granting to the public access easements to such accessways.

3. That the developer incorporate the accessway into recorded easements or tract(s) of common ownership which specifically requires the property owners and future property owners who are subject to such easements or are owners of such tracts to provide for the ownership, liability and maintenance of the accessway.

19.1411 Bicycle Requirements and Standards.

19.1411.1 General Provisions.

A. Bicycle facilities, including on-street bike lanes, off-street bikeways, and bicycle parking, shall be designed and improved in accordance with the standards of this Chapter, the bicycle parking provisions of Section 19.505, and the Transportation Design Manual.

B. Goals, objectives and policies relating to bicycling are included in Chapter 5 of the Milwaukie Comprehensive Plan. Figure 4.1 of the Comprehensive Plan illustrates the Bikeways Network Master Plan and Figure 4.2 illustrates the Bikeways Action Plan.

19.1411.2 Bike Lanes and Bikeways.

A. Requirement. Bike lanes and bikeways shall be provided in accordance with the Milwaukie Transportation System Plan. Except as amended by the

Transportation System Plan, bike lanes shall be provided along collector and arterial streets.

B. Timing of Construction. To assure continuity and safety, bike lanes and bikeways will generally be constructed as part of the construction or improvement of collector and arterial streets.

C. Design Standards. Bike lanes shall be 6 feet wide and shall be provided for each direction of travel allowed on the street. Bike lanes and bikeways shall be constructed consistent with the design guidelines and standards delineated in the latest edition of the Oregon Bicycle Plan. Excerpts of the guidelines and standards are provided in the Transportation Design Manual.

19.1411.3 Bicycle Parking.

Bicycle parking requirements are set forth in Chapter 19.500.

19.1412 Transit Requirements and Standards.

19.1412.1 General Provisions.

A. Transit facilities, including bus stops, shelters and related facilities, shall be designed and improved in accordance with Tri-Met standards and the requirements and standards of this Chapter and the Transportation Design Manual.

B. Goals, objectives and policies relating to transit are included in Chapter 5 of the Milwaukie Comprehensive Plan.

19.1412.2 Transit Facilities.

A. Notice and Coordination with Tri-Met. When development of a multifamily, commercial, office, or institutional use is proposed within 200 feet of an existing or planned transit route, notice shall be provided to Tri-Met as outlined in Section 19.1405.4. Tri-Met may recommend that transit-related facilities be constructed at the time of development to support transit use.

B. Factors Determining Transit Requirements. The factors that determine the level of transit facility requirements include but are not limited to street classification, existing and planned level of transit service in adjacent streets, block length, proximity of major pedestrian destinations, existing and anticipated ridership, and transit needs of a development. Required improvements may include provision of an easement for a bus stop, benches, shelters, bus turnouts, curb extensions, median refuges for pedestrian crossings, public telephones, or pedestrian lights. The required improvements shall reflect a reasonable and proportionate share of the impacts of the development.

C. Location of Transit Facilities. Transit facilities shall be located at controlled street intersections, where possible. A bus stop shall consist of at least a bus

stop pad designed in compliance with the ADA. The location of the bus stop shall be chosen so that there is a connection to an accessible route. Where a bus stop has already been established within 500 feet of the affected development, a new bus stop shall only be provided if recommended by Tri-Met and required by the Director. Otherwise, the developer shall upgrade the existing stop through provision of improved waiting facilities (i.e., installation of benches, shelters or landscaping).

19.1412.3 Building Orientation to Transit.

The following requirements apply to all new multifamily, commercial, office, and institutional development within 500 feet of an existing or planned transit route measured along the public sidewalk that provides direct access to the transit route:

A. Building Orientation to Transit Street. New buildings shall have their primary orientation toward a transit street or, if not adjacent to a transit street, a public right-of-way which leads to a transit street. The primary building entrance shall be visible from the street and shall be directly accessible from a sidewalk connected to the public right-of-way. A building may have more than one entrance. If the development has frontage on more than one transit street, the primary building entrance may be oriented to either street or to the corner.

B. Maximum Setbacks Adjacent to Transit Street. When adjacent to a street served by transit, new commercial, office or institutional development, including uses authorized under Section 19.321-Community Service Overlay Zone, shall be set back no more than 30 feet from the right-of-way that is providing transit service.

1. An individual building may be set back more than 30 feet, provided the building is part of an approved phased development that will result in a future building(s) that complies with the 30 foot setback standard.
2. For sites with multiple buildings, the maximum distance from a street with transit to a public entrance of the primary building shall be no more than 100 feet.
3. If the proposed building is part of an institutional campus, the Director may allow flexibility in the setback and orientation of the building. As a trade-off for this flexibility, enhanced sidewalk connections shall be provided between the institutional building(s) and nearby transit stops.
4. If the site abuts more than one street served by transit, then the maximum setback requirement need only apply to one street.

19.1413 Access Management Standards.

19.1413.1 General Provisions.

A. Access permit required. Access to a public street requires an access permit in accordance with the following:

1. Permits for access to City streets shall be subject to review and approval by the City Engineer based on the adopted City standards contained in this Chapter. An access permit may be in the form of a letter to the applicant, or it may be attached to a land use decision notice as a condition of approval.

2. Permits for access to State highways shall be subject to review and approval by ODOT, except when ODOT has delegated this responsibility to the City or Clackamas County. Decisions regarding access permits to State highways shall be based on access standards adopted by ODOT.

3. Permits for access to County highways shall be subject to review and approval by Clackamas County, except where the County has delegated this responsibility to the City. Decisions regarding access permits to County highways shall be based on access standards adopted by Clackamas County.

B. Access Spacing Targets.

All development shall be provided public street access. Access roads (public and/or private), driveways, and easements shall be as set forth in other sections of these Design Standards. Spacing of access points (public street and/or driveways) shall meet the criteria in Table 19.1413.1 to the greatest extent practicable. The minimum spacing is measured between the nearest points of the point of curvature on the curb return(s) of public streets or the top of the wings of any driveway.

TABLE 19.1413.1. Access Spacing Targets.

Street Classification	Minimum, feet
Arterial	600
Collector	300
ODOT Facilities (ORE 99E, ORE 224)	Per Appendix C of Oregon Highway Plan

Spacing criteria are based upon several factors, including stopping sight distance, ability of turning traffic to leave a through lane with minimal disruption to operation, minimizing right turn conflict overlaps, maximizing egress capacity and reducing compound turning conflicts where queues for turning/decelerating traffic encounter conflicting movements from entering/exiting streets and driveways.

C. Modification of Access Spacing Targets.

Any development that deviates from the access spacing (public street or driveway) targets will be required to prepare an access study that assesses transportation impacts adjacent to the project frontage within a distance equal to the access spacing requirements established in Table 19.1413.1. For example, for a site with arterial access, analysis would include evaluation of site access and capacity along the project frontage plus capacity and access issues within 530 feet of the adjacent property. The access study shall include the following:

1. Review of site access spacing and design.
2. Traffic impacts adjacent to the site within a distance equal to the access spacing distance from the project site.
3. Review of all modes of transportation to the site.
4. Where access spacing targets are not met, a series of mitigation measures shall be identified including but not limited to assessment of medians, consolidation of access, shared driveways, temporary access, provision of future consolidated access or other measures that would be acceptable to the City Engineer or designee.

D. Driveways. Access to private property shall be permitted with the use of driveway curb cuts. The access points with the street shall be the minimum necessary to provide access while not inhibiting the safe circulation and carrying capacity of the street. Driveways shall meet all applicable guidelines of the Americans with Disabilities Act.

E. Access study requirements. The City or other agency with access jurisdiction may require an access study prepared by a qualified professional to determine access requirements.

F. Authority to restrict access. To provide for increased traffic movement on congested streets and to eliminate turning movement problems, the City Engineer may restrict the location of driveways on streets and require that driveways be placed on adjacent streets, upon the finding that the proposed access would:

1. Cause or increase existing hazardous traffic conditions;
2. Provide inadequate access for emergency vehicles; or
3. Cause hazardous conditions that would constitute a clear and present danger to the public health, safety, and general welfare.

G. Conditions of approval. The City or other agency with access permit jurisdiction may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements for shared driveways, development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting an access permit, to ensure the safe and efficient operation of the street and highway system.

19.1413.2 Location of Driveway Access.

A. Double frontage. When a lot has frontage onto two or more streets, access shall be provided first from the street with the lowest classification. For example, access shall be provided from a local street before a collector or arterial street.

B. Distance from property line. Unless a shared access is proposed or required, new curb cuts for driveway access shall be at least 7 1/2 feet from the

property line in residential districts and at least 10 feet from the property line in all other districts.

C. New single family development fronting arterials or collectors. Direct individual access to arterial or collector streets from detached or attached single-family dwellings and lots shall be discouraged. Direct access shall be considered only if there is no practical alternative way to access the site and only if the driveway is designed to allow for vehicles to turn around on-site (via a hammerhead or loop).

D. Backing into the right-of-way prohibited. Driveways shall be designed to contain all vehicle backing movements on-site, except for detached or attached single family uses on local streets.

E. Minimum distance from driveway to intersection curb return. To protect the safety and capacity of street intersections, the following minimum distance from the intersection curb return to the bottom of the driveway wing shall be maintained:

1. For local and neighborhood streets, driveways for detached or attached single family residential shall be located at least 45 feet from the intersection curb return, or located as far away from the curb return as possible.

2. Driveways for multifamily and all other uses accessing local and neighborhood streets shall be located at least 100 feet from the intersection curb return.

3. For arterials and collectors, driveways shall be located beyond the end of queue of traffic during peak hour conditions or a minimum of 400 feet for arterials and 300 feet for collectors, whichever is greater.

19.1413.3 Number and Size of Driveways.

A. Number. The number of access points on arterial and collector streets from any development shall be minimized whenever possible through the use of shared driveways and coordinated on-site circulation patterns.

1. One driveway per site frontage will be the normal number allowed. For residential properties, additional site access is permitted by use of a mountable curb and reinforced sidewalk in accordance with design requirements of the Transportation Design Manual.

2. Multifamily, commercial or industrial developments with street frontage greater than 150 feet may request an additional driveway, if needed.

B. Shared driveways. Within commercial, industrial and multifamily areas, shared driveways and internal access between similar uses are encouraged to reduce the number of access points to the higher classified roadway, to improve internal site circulation, and to reduce local trips or movements on the street system. Shared driveways or internal access between uses will be established by means of common access easements.

C. Driveway size. Driveway openings (curb cuts) shall be the minimum width necessary to provide the required number of vehicle travel lanes (9 feet for each travel lane). The following standards (measured where the front property line meets the sidewalk or right-of-way) are required to provide adequate site access, minimize surface water runoff, and avoid conflicts between vehicles and pedestrians. This Chapter does not apply to requirements for flag lots, which are found in Title 17.

1. Single family attached and detached uses shall have a minimum driveway width of 9 feet and a maximum width of 18 feet.

2. Three-family uses shall have a minimum driveway width of 16 feet and a maximum width of 20 feet.

3. Multiple family uses with between 4 and 7 dwellings shall have a minimum driveway width of 20 feet, and a maximum width of 24 feet.

4. Multiple family uses with more than 8 dwelling units, and off-street parking areas with 16 or more spaces, shall have a minimum driveway width of 24 feet, and a maximum width of 30 feet.

5. Commercial, office and institutional uses shall have a minimum driveway width of 12 feet, and a maximum width of 36 feet.

6. Industrial uses shall have a minimum driveway width of 15 feet, and a maximum width of 45 feet.

Maximum driveway widths for commercial and industrial uses may be increased if the City Engineer determines that more than two lanes are required based on the number of trips generated or the need for turning lanes.

**Amendments to Milwaukie Municipal Code
Title 17—Subdivision Ordinance**

Comments in italic text are not code changes

CHAPTER 17.16 PRELIMINARY PLAT:

Section 17.16.070 Supplemental information.

(Reorder subsections to reflect repealed subsection.)

The following information shall be submitted with the preliminary plat:

A. A vicinity map shall be drawn at a scale of one inch equals four hundred feet, showing all existing subdivisions, streets and nonsubdivided land ownership between the proposed subdivision and the nearest existing arterial or collector streets and showing how proposed streets may be extended to connect with existing streets. At a minimum, the vicinity map shall depict future street connections for land within four hundred feet of the subject property;

B. Proposed deed restrictions, if any, in outline form;

C. Improvements to be made by the developer and the approximate time such improvements are to be completed. Sufficient detail regarding proposed improvements shall be submitted so that they may be checked for compliance with the objectives of this title, state law, and other applicable city ordinances. If the nature of the improvements is such that it is impractical to prepare all necessary details prior to approval of the preliminary plat, the additional details shall be submitted at least thirty days prior to the approval time of the final plat is requested.

CHAPTER 17.28 DESIGN STANDARDS:

Section 17.28.020 Streets.

(Note: See ordinance for sections that have been repealed)

A. General.

Requirements and standards for the layout, design, and improvement of streets, pedestrian facilities, bicycle facilities, and transit facilities are included in Chapter 19.1400 of the Zoning Ordinance and are applicable to all land divisions.

Section 17.28.030 Blocks:

(Note: See ordinance for sections that have been repealed)

CHAPTER 17.36 IMPROVEMENTS:

Section 17.36.020 Required improvements.

If any part of the subdivision is within the city, the following improvements shall be installed at the expense of the subdivider:

A. Streets. Streets within the subdivision and streets partially within the subdivision shall be graded for the entire right-of-way width, constructed and surfaced in accordance with standards adopted by the city in Chapter 19.1400 of the Zoning Ordinance. Existing streets which abut the subdivision shall be graded, constructed, reconstructed, surfaced or repaired as determined by the planning commission with the advice of the public works director.

CHAPTER 17.44 EXCEPTIONS AND VARIANCES:

Section 17.44.020 Variance—Application.

When necessary, the community development director or the planning commission may authorize variances to standards within the subdivision ordinance following the criteria of Chapter 19.700 of the zoning ordinance. In granting a variance, the planning commission or community development director may attach conditions which they find necessary to lessen the impact of the variance on nearby property, protect the general welfare of the city, and achieve the purposes of this title.

Transportation System Plan Implementation
Zoning and Subdivision Ordinance Amendments
Compliance with Approval Criteria

I. Compliance with Zoning Ordinance Section 905

Milwaukie Zoning Ordinance Section 905 requires all amendments to meet the following criteria.

- a. *The proposed amendment must conform to applicable Comprehensive Plan goals, policies, and objectives and be consistent with the provisions of City ordinances, Metro Urban Growth Management Functional Plan, and applicable regional policies.*

The amendments are consistent with the Comprehensive Plan, Functional Plan, and Regional Transportation Plan as demonstrated above.

- b. *The anticipated development must meet the intent of the proposed zone, taking into consideration the following factors: site location and character of the area, the predominant land use pattern and density of the area, the potential for mitigation measures adequately addressing development effects, any expected changes in the development pattern for the area, the need for uses allowed by the proposed zone amendment, and the lack of suitable alternative sites already appropriately zoned for the intended use or uses. The Planning Commission and City Council shall use its discretion to weigh these factors in determining the intent of the proposed zone.*

This criterion applies to development in association with rezonings and, therefore, does not apply to this project.

- c. *The proposed amendment will meet or can be determined to reasonably meet applicable regional, state, or federal regulations.*

The amendment is consistent with the Statewide Planning Goals and the Metro Urban Growth Management Functional Plan. There are no known federal regulations that apply to the proposal.

- d. *The proposed amendment demonstrates that existing or planned public facilities and services can accommodate anticipated development of the subject site without significantly restricting potential development within the affected service area.*

This criterion relates to proposed changes that involve development that uses public infrastructure and facilities. Accordingly, it does not apply to this project.